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10. On November 20, 2000, both Parties appeared for status; a briefing schedule was set for dispositive motions.
11. On December 18, 2000, Respondent appeared on its motion for extension of time to file a dispositive motion; Complainant did not appear. An order was entered granting the extension and setting oral argument on the dispositive motion for March 7, 2001.
12. On January 8, 2001, the law firm of McCarthy & Bradford entered an appearance on behalf of the Complainant and filed a motion to stay the Commission proceedings pending the outcome of a similar matter filed in federal court.
13. On January 10, 2001, both Parties appeared on Complainant's motion to stay. An order was issued denying Complainant's motion to stay without prejudice and setting a final status for April 25, 2001.
14. On March 14, 2001, Complainant filed a second motion to stay.
15. With both Parties present, Complainant's motion was granted on March 21, 2001 and a status was set for September 19, 2001. The status was later rescheduled for September 26, 2001.
16. On September 26, 2001, Complainant appeared; Respondent did not appear. An order was issued setting a status on the progress of the federal matter for June 26, 2002.
17. On June 26, 2002, neither party appeared. An order was issued setting a status for July 24, 2002 and further warning Complainant that failure to appear may result in dismissal of this matter on sua sponte motion.
18. On July 24, 2002, Respondent appeared; Complainant did not appear. Respondent orally represented in open tribunal that the federal matter had been dismissed.
19. Respondent orally moved that this matter be dismissed for Complainant's failure to appear in accordance with my June 26, 2002 order and I granted the motion.

Conclusion of Law

The failure of Complainant to appear for the June 26, 2002 and July 24, 2002 scheduled status hearings or to file other pleadings to indicate an interest in this matter since September 26, 2001 has resulted in unreasonable delay, justifying dismissal of this Complaint with prejudice.

Discussion

Section 5300.750(e) of the Procedural Rules of the Illinois Human Rights Commission authorizes a recommendation for dismissal with prejudice where a party fails to appear at a scheduled hearing without requesting a continuance reasonably in advance, or unreasonably refuses to comply with any Order entered, or otherwise engages in conduct which unreasonably delays or protracts the proceedings. Similarly, 775 ILCS 5/8A-102(l)(6) authorizes a recommended order of dismissal, with prejudice, or of default as a sanction for a party's failure to prosecute her case, appear at a hearing, or otherwise comply with this Act, the rules of the Commission, or a previous Order of the Administrative Law Judge.

When Complainant failed to appear for the June 26, 2002 scheduled hearing, I issued an order advising her that failure to appear for the July 24, 2002 status

may result in dismissal of this matter. As Complainant failed to appear for the July 24, 2002 scheduled status and further failed to file any other pleadings in this matter since the September 26, 2001 status hearing, I can take no other action in this matter except to dismiss it.

Recommendation

Therefore, I recommend that this Complaint and the underlying Charge be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

By: _____
SABRINA M. PATCH
Administrative Law Judge
Administrative Law Section

ENTERED: August 6, 2002